

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NIARA BURTON,	)	
	)	Case No. 3:22-cv-94
Plaintiff,	)	
	)	JUDGE KIM R. GIBSON
v.	)	
	)	
JOHN E. WETZEL, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

This matter is before Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

On March 21, 2023, plaintiff Niara Burton ("Plaintiff") filed a "Motion for Temporary Restraining Order and Preliminary Injunction[.]" (ECF No. 38). On May 11, 2023, Magistrate Judge Pesto filed a Report & Recommendation ("R&R") recommending that the Court deny this motion without hearing. (ECF No. 45). The Magistrate Judge notified Plaintiff that she would have fourteen days to file written objections to the R&R pursuant to 28 U.S.C. § 636(b)(1). (*Id.* at 4). Because Plaintiff was a non-registered ECF user, she had until May 30, 2023, to file written objections. (*See generally id.*).

Neither party filed objections to the R&R, timely or otherwise.<sup>1</sup> Because neither party filed timely objections thereto, the Court need give only "reasoned consideration" to the R&R by

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<sup>1</sup> The only document that Plaintiff has filed since the R&R was entered is a letter mailed to the Court on June 12, 2023. (ECF No. 46). This letter reads in full as follows: "this letter regarding my failed reception of marshal forms, waiver of summons, notice of lawsuit for each defendant in individual and official capacity as to assist with the serv[ice] of suit." (*Id.*). Even construing this letter liberally, the Court finds no basis for understanding it to state written objections to Magistrate Judge Pesto's R&R at ECF No. 45.

“afford[ing] some level of review to dispositive legal issues raised by the report[.]” *EEOC v. City of Long Branch*, 866 F.3d 93, 99–100 (3d Cir. 2017).

Upon reasoned consideration of the above filings, the following order is entered:

**AND NOW**, this 12<sup>th</sup> day of July, 2023, **IT IS HEREBY ORDERED** that Magistrate Judge Pesto’s R&R at ECF No. 45 is **ADOPTED** as the Opinion of the Court for its reasoning and conclusion.

**IT IS FURTHER ORDERED** that the Plaintiff’s motion at ECF No. 38 is **DENIED** without hearing.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

**KIM R. GIBSON**  
**UNITED STATES DISTRICT JUDGE**

Notice by U.S. mail to:

**Niara Burton**  
KU-1265  
P.O. Box 1000  
209 Institution Drive  
Houtzdale, PA 16698-1000